

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 2:05-cr-00278-JCM-PAL

Plaintiff,

ORDER

v.

(Mot JD Exam – ECF No. 26)

JON DONYAE PONDER,

Defendant.

This matter is before the court on the government’s Motion for Judgment Debtor Exam (ECF No. 26). This Application is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(3) and LR IB 1-7(k) of the Local Rules of Practice.

Rule 69 of the Federal Rules of Civil Procedure provides that a “money judgment is enforced by a writ of execution.” Fed. R. Civ. P. 69(a)(1). In aid of the judgment or execution, a judgment creditor may obtain discovery from any person, including the judgment debtor. Fed. R. Civ. P. 69(a)(2). In “proceedings supplementary to and in aid of judgment or execution,” the procedure “must accord with the procedure of the state where the court is located.” Fed. R. Civ. P. 69(a)(1). Nevada law provides that a judgment creditor is entitled to a court order “requiring the judgment debtor to appear and answer upon oath or affirmation concerning his or her property.” NRS 21.270(1). However, “[n]o judgment debtor may be required to appear outside the county in which the judgment debtor resides.” NRS 21.270(1).

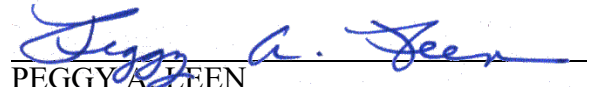
Here, the Application asserts that a judgment debtor examination of defendant Jon Donyae Ponder is necessary to enable plaintiff, the judgment creditor, to discover the assets, real and personal property, current employment, etc., and any facts relating thereto, which may assist in obtaining satisfaction of the judgment. Plaintiff requests an order requiring Mr. Ponder’s appearance for examination at the United States District Courthouse for the District of Nevada,

1 located at 333 Las Vegas Boulevard South, in Las Vegas, Nevada. However, the Application fails
2 to indicate that Mr. Ponder resides in Clark County, Nevada.

3 Accordingly,

4 **IT IS ORDERED:** Plaintiffs' Application for Judgment Debtor Exam (ECF No. 26) is
5 DENIED without prejudice.

6 DATED this 7th day of September, 2018.

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8 
9 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE